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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,886	10/15/2003	Christopher A. Rygaard	18511-011001	7560
26181	7590	06/23/2009		
FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER MORAN, RANDAL D	
			ART UNIT 2435	PAPER NUMBER
			NOTIFICATION DATE 06/23/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/686,886	<b>Applicant(s)</b> RYGAARD, CHRISTOPHER A.	
	<b>Examiner</b> RANDAL D. MORAN	<b>Art Unit</b> 2435	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/4/2009</u> .                                                | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Claims 1-25 are pending in the application.

Below, Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully each reference in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/16/2009 has been entered.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**1. Claims 1-11, 13-17, 19-21, 22-25** are rejected under 35 U.S.C. 102(e) as being anticipated by **Rygaard (US 7,046,995)**.

Considering **Claims 1, 5, 9, 14, 20, and 25**, Rygaard discloses a computer implemented jumping application security console that maintains the security of a jumping application that is jumping between two or more hosts connected to the security console through a network (abstract), the security console comprising: a security module that controls the security of a jumping application (Fig. 5, Fig. 6, column 6- lines 34-58); a database that contains one or more pieces of code and a description of each piece of code, wherein each piece of code implements a particular behavior (column 8- lines 13-34); and wherein the security module further comprises instructions to replace code from the jumping application that implements a first behavior with a piece of code from the database into the jumping application that implements the first behavior when the jumping application is received at the security console during a jump between hosts, and where the code is replaced for each jump of the jumping application between hosts (column 8- lines 13-34).

Considering **Claim 24**, Rygaard discloses a computer-implemented method comprising: receiving a jumping application at a server (abstract) determining whether the first host is an untrusted host; when the first host is an untrusted host (column 7- lines 35-67, column 8- lines 1-12), determining whether the jumping application includes code that implements a particular behavior and when the jumping application includes the code (column 8- lines 13-34), replacing the code in the jumping application that implements a particular behavior with a piece of code that implements the particular behavior in the jumping application so that the jumping application has the particular behavior when it is executed by the second host column 8- lines 13-34); and forwarding the jumping application to the second host (column 8- lines 13-34).

Considering **Claims 2, 6, 10, 15, and 21**, Rygaard discloses the instructions that replace code further comprises instructions that remove any existing code in the jumping application and then instructions that insert the piece of code that implements the particular behavior into the jumping application (column 8- lines 13-34).

Considering **Claims 3, 7, and 16**, Rygaard discloses the security module further comprises instructions for receiving a request for a piece of code, by a host, that implements a particular behavior for a jumping application (column 8- lines 13-34).

Considering **Claims 4, 8, 13, 19, and 23**, Rygaard discloses instructions that store a list of the code removed from the jumping application (column 9- lines 5-30), the instructions to replace the code further comprises instructions that remove the code from the jumping application (column 8- lines 13-34, column 9- lines 5-30), and

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instructions that insert the piece of code into the jumping application based on the list of code removed from the jumping application (column 9- lines 5-30).

Considering **Claims 11 and 17**, Rygaard discloses the request further comprises generating a query, by a host to a security console, of the pieces of code contained in a database of the security console and selecting, by the host, the piece of code to be replaced in the jumping application (column 7- lines 35-67, column 8- lines 1-12).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 12, 18, and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rygaard** in view of **Walsh (US 6,233,601)**, hereafter "Walsh".

Considering **Claims 12, 18, and 22**, Rygaard does not explicitly disclose the replacing the code further comprises downloading the piece of code to the host in response to the selection of the piece of code by the host and inserting the piece of code, by the host, into the jumping application to implement the particular behavior.

Walsh discloses replacing the code further comprises downloading the piece of code to the host in response to the selection of the piece of code by the host and inserting the

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piece of code, by the host, into the jumping application to implement the particular behavior (Walsh- column 6, lines 6-17 and 49-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rygaard by replacing the code further comprises downloading the piece of code to the host in response to the selection of the piece of code by the host and inserting the piece of code, by the host, into the jumping application to implement the particular behavior as taught by Walsh in order to allow agents access to and the ability to properly load classes (Walsh- column 6- lines 5-10).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randal D. Moran whose telephone number is 571-270-1255. The examiner can normally be reached on M-F: 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. D. M./  
Examiner, Art Unit 2435  
6/17/2009

/KIMYEN VU/

Supervisory Patent Examiner, Art Unit 2435